

FILED

ORDINANCE NO. 2021-25

CITY OF CAVE SPRINGS, BENTON COUNTY, STATE OF ARKANSAS

2021 APR 27 PM 3:31

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF CAVE SPRINGS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

BETSY HARRELL
CLERK
BENTON COUNTY, AR

WHEREAS, it appears to the City Council of the City of Cave Springs, Arkansas, that the annexation of certain hereinafter described territory, contiguous to the City of Cave Springs is necessary for the orderly growth and development of Cave Springs; and

WHEREAS, the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary; and

WHEREAS, the lands are platted and held for sale or use as municipal lots, or whether platted or not, the lands are held to be sold as suburban property; and

WHEREAS, the lands are needed for proper municipal purposes; and

WHEREAS, the lands are valuable by reason of their adaptability for proper municipal purposes; and

WHEREAS, in light of these factors the City Council of the City of Cave Springs has determined that it would be in the best interest of the city to annex said lands.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF CAVE SPRINGS, ARKANSAS:

SECTION 1: Annexation. Pursuant to Ark. Code Ann. § 14-40-301, et seq., there shall be submitted to the qualified electors of the City of Cave Springs and of the following described area, the question of the annexation of the following legally described territory to the City of Cave Springs:

[Attached hereto as Exhibit "A"]

SECTION 2: Map. The lands to be annexed (described in Section 1) are represented on the map attached as Exhibit "B" and incorporated herein.

SECTION 3: Notice to County. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, July 13, 2021 in compliance with Ark. Code Ann. § 7-11-205. Once this ordinance take effect, the City Recorder-Treasurer shall immediately notify the County Election Commission and the County Clerk by forwarding to each, a certified copy of this ordinance and the map showing the area to be annexed.

SECTION 4: Election. The question of the annexation of the lands described in Section 1 and 2 shall be submitted to the electors qualified to vote on this issue at a special election to be

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held on July 13, 2021 at the time and polling places to be determined by the Benton County Election Commission in accordance with Ark. Code. Ann. §7-11 -201, et seq.

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SECTION 5: Ballot. The ballot used at the election on the question of annexation shall be marked as follows:

[] FOR annexation of the territory described in Ordinance No. 2021-05

[] AGAINST annexation of the territory described in Ordinance No. 2021-05

Or such ballot arrangement as may be determined by the Benton County Board of Election Commissioners.

SECTION 6: Election Results. If, at such election, a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the City of Cave Springs thirty (30) days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, this annexation ordinance shall be null and void.

SECTION 7: No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

SECTION 8: Notice. The City Recorder-Treasurer shall give notice of the election by publication by at least one (1) insertion in some news paper having a general circulation in the city.

SECTION 9: Final Annexation. If the annexation is approved and becomes final, the City Council of the City of Cave Springs shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one or more adjacent wards of the city and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city;

SECTION 10: Schedule of Services. If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years and the schedule of services which shall be included in the annual written report required by Ark. Code Ann. § 14-40-2201 include but are not limited to, the following:

SERVICE:	DATE:
(a) Police protection;	Immediately
(b) Fire protection;	Immediately
(c) Emergency medical services;	Immediately
(d) Street maintenance; and	Immediately

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(e) Municipal planning services.

Immediately

SECTION 11: GIS Coordination. The City has coordinated with the Arkansas Geographic Information Systems Office in compliance with Ark. Code Ann. § 14-40-101, see attached Exhibit "C"

SECTION 12: This ordinance shall be read and heard at three (3) consecutive regular meetings of the governing body of the annexing municipality prior to enactment, as required by Ark. Code Ann. §14-40-303.

SECTION 13: Scrivener's Error. If a scrivener's error exists in a description of the land in Section 1, 2, or Section 5 of this ordinance, the description shall be construed to exclude any land which is within the corporate boundaries of another municipality or otherwise violates the provisions of Ark. Code Ann. § 14-40-101,201, or 301, et seq.

SECTION 14: Severability Provision. If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

SECTION 15: Repeal of Conflicting Provisions. All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 16: Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, as well as compliance with special election statutes, an emergency is hereby declared to exist, and this ordinance shall be effective and in full force and effect from and after its passage and approval.

PASSED and APPROVED, this 26 day of APRIL, 2021.

APPROVED:

ATTEST:


Randall J. Noblett, Mayor


Kimberly Hutcheson, Recorder-Treasurer



FILED FOR RECORD
AT 2:17 O'CLOCK P.M.

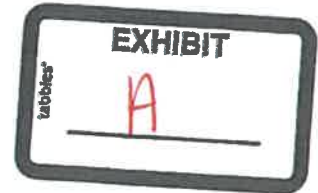
APR 27 2021

CITY OF CAVE SPRINGS, AR
CITY CLERK

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Section 25, Township 19 North, Range 31 West

West Half of the Southwest Quarter (W1/2, SW1/4)

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Section 26, Township 19 North, Range 31 West

The Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4)

East Half of the Southwest Quarter of the Southeast Quarter (E1/2, SW1/4, SE1/4) not already included in the corporate limits of the City of Rogers.

Section 35, Township 19 North, Range 31 West

The Northeast Quarter (NE1/4)

All that part of the Southeast Quarter (SE1/4) not already included in the corporate limits of the City of Cave Springs

The Southeast Quarter of the Southwest Quarter (SE1/4, SW1/4)

All that part of the Southeast Quarter of the Northwest Quarter (SE1/4, NW1/4) not already included in the corporate limits of the City of Bentonville.

All that part of the Northeast Quarter of the Southwest Quarter (NE1/4, SW1/4) not already included in the corporate limits of the City of Bentonville.

Part of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section 35, Township 19 North, Range 31 West, described as follows: Beginning at a point 166 feet East of the Southwest corner of said Southwest Quarter of the Southwest Quarter, run thence North 160 feet, thence East 160 feet, thence south 160 feet, thence west 160 feet to the point of beginning.

Section 36, Township 19 North, Range 31 West

The Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4)

All that part of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4) not already included in the corporate limits of the City of Cave Springs.

The Northwest Quarter of the Southwest Quarter (NW1/4, SW1/4)

All that part of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) not already included in the corporate limits of the City of Cave Springs.

Section 2, Township 18 North, Range 31 West

All of section less all that part already included in the corporate limits of the City of Cave Springs.

Section 3, Township 18 North, Range 31 West

All of the section lying east of Mill Dam Road and including Mill Dam Road.

Section 11, Township 18 North, Range 31 West

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CO & PROBATE CLERK
BENTON COUNTY, AR

All of section less all that part already included in the corporate limits of the City of Cave Springs.

Section 10, Township 18 North, Range 31 West

All of the Southwest Quarter (SW1/4) lying East of Osage Creek

The Southeast Quarter (SE1/4)

The Northeast Quarter, Northeast Quarter (NE1/4, NE1/4)

The Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4)

The Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4)

The Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) including that part south of Hwy 264, except that portion lying West of the West right-of-way of Mill Dam Road.

The Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) not already included in the corporate limits of the City of Highfill and only the parcels being located South of Hwy 264.

The Southeast Quarter of the Northwest Quarter (SE1/4, NW1/4) not already included in the corporate limits of the City of Highfill.

Section 14, Township 18 North, Range 31 West

The Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4)

All that part of the Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4) lying North of the right-of-way of Wager Road and including Wager Road not already included in the corporate limits of the City of Cave Springs.

The Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4) lying North of the right-of-way of Wager Road and including Wager Road.

The Northwest Quarter of the Southwest Quarter (NW1/4, SW1/4) lying North of the right-of-way of Wager Road and including Wager Road.

The Southeast Quarter of the Northwest Quarter (SE1/4, NW1/4) lying North of right-of-way of Wager Road and including Wager Road.

The Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) not already included in the corporate limits of the City of Cave Springs.

The Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) lying North of the entire right-of-way of Wager Road and including Wager Road and not already included in the corporate limits of the City of Cave Springs.

The Northeast Quarter of the Northeast Quarter (NE1/4, NE1/4)) lying North of the entire right-of-way of Wager Road and including Wager Road and not already included in the corporate limits of the City of Cave Springs.

Section 15, Township 18 North, Range 31 West

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BENTON COUNTY, AR

The Northeast Quarter (NE1/4)

The East Half of the East Half of the Northwest Quarter (E1/2, E1/2, NW1/4)

The Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) and the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) lying North of the entire right-of-way of Wager Road and including Wager Road.

The West Half of the Southeast Quarter (W1/2, SE1/4) lying North of the entire right-of-way of Wager Road and including Wager Road, except that portion contained in a Warranty Deed Book 480 at Page 155 in the records of Benton County and the portion of Wager Road lying adjacent.

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City of Cave Springs - Proposed Annexation

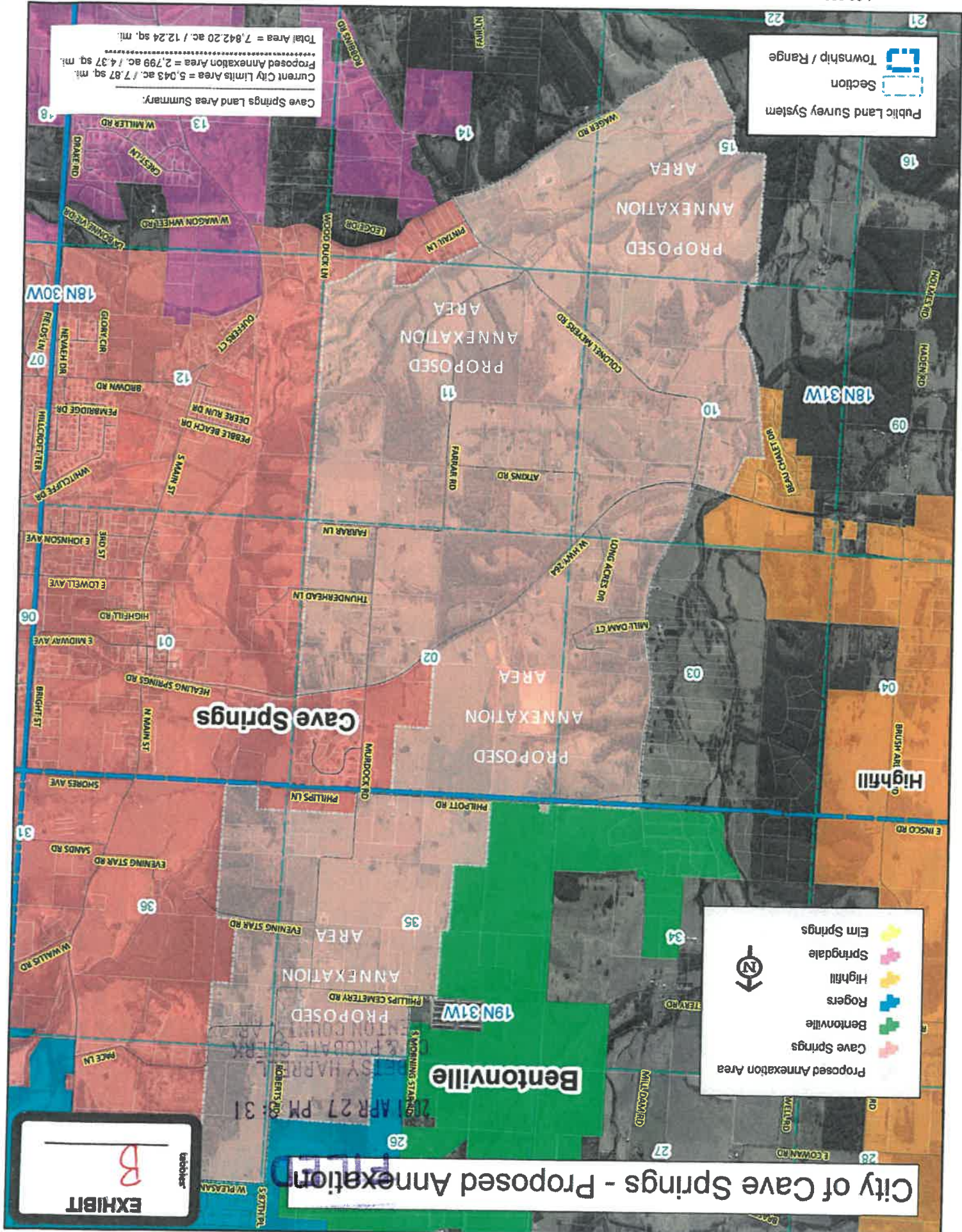
EXHIBIT

B

unobscured

Proposed Annexation Area

- Cave Springs
- Bentonville
- Rogers
- Highfill
- Springsdale
- Elm Springs



Public Land Survey System
Section
Township / Range

Cave Springs Land Area Summary:
Current City Limits Area = 5,043 ac. / 7.87 sq. mi.
Proposed Annexation Area = 2,799 ac. / 4.37 sq. mi.
Total Area = 7,842.20 ac. / 12.24 sq. mi.



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Department of Transformation and Shared Services

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Governor Asa Hutchinson

Secretary Amy Fecher

Director Shelby Johnson

BETSY HARRELL
CO & PROBATE CLERK
SENTER COUNTY, AR

February 16, 2021

Mr. Justin Eichmann
Attorney – Harrington Miller
4710 S. Thompson St, Ste 102
Springdale, AR 72764

RE: City of Cave Springs Annexation Coordination Requirement

Mr. Eichmann,

Thank you for coordinating with our office as you seek to annex property into the City of Cave Springs, AR located in Sections 25, 26, 35 & 36 Township 19 North, Range 31 West and Sections 2, 3, 10, 11, 14 & 15 Township 18 North, Range 31 West. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Sincerely,

Jennifer Wheeler, Sr. GIS Analyst

Attachments:

GIS Office Map of Proposed Annexation (4 maps)

Legal Description

Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Cave_Springs\20210212\Doc\20210212_Cave Springs_Annexation_Coordination_Letter.docx

Arkansas Geographic Information Systems

501 Woodlane Street, Suite G04 * Little Rock, AR 72201 * 501.682.2767

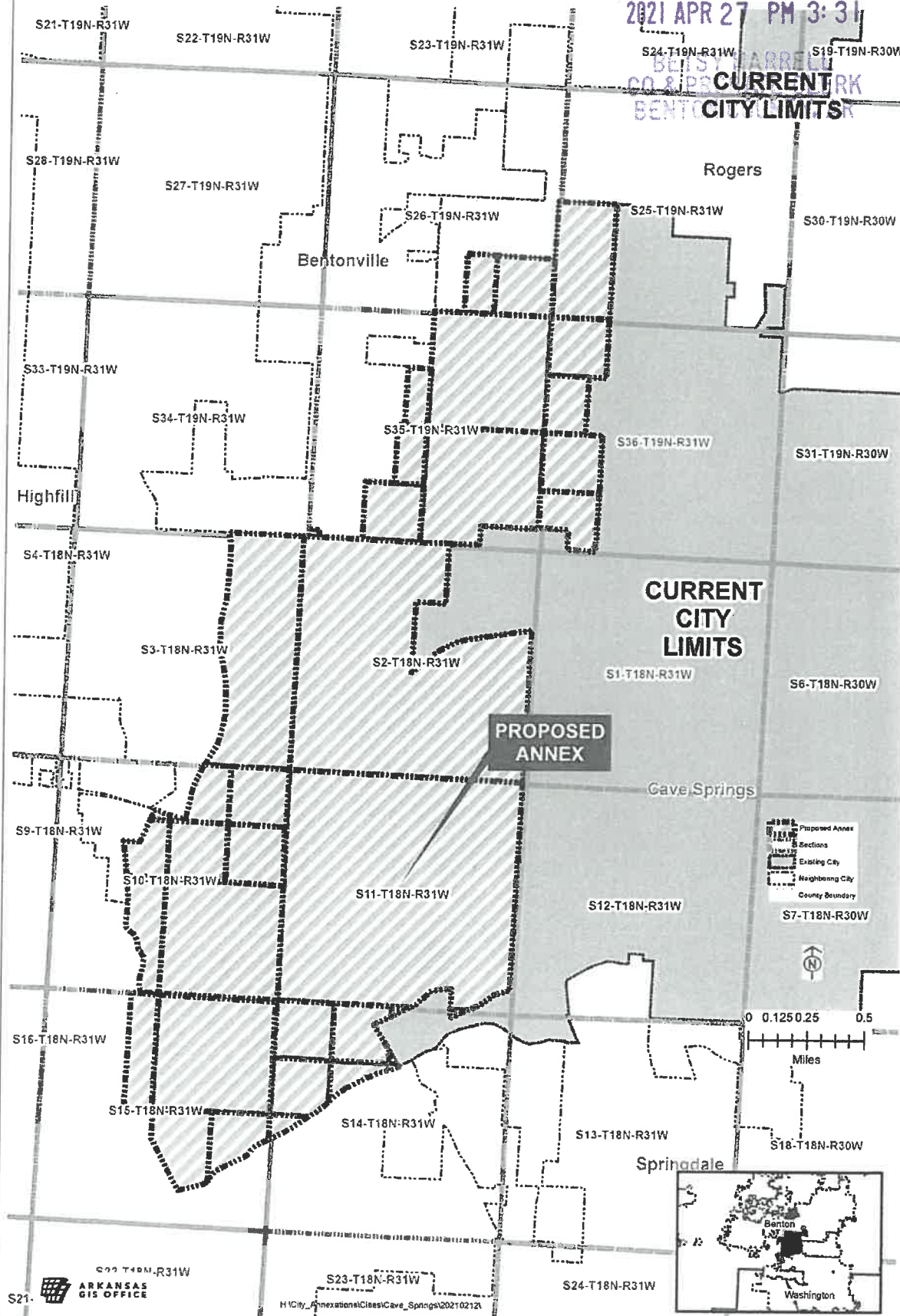
TRANSFORM.AR.GOV

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S24-T19N-R31W S19-T19N-R30W
BEISY HARRELL
CO. & P. S. L. L. R. K
BENTON CITY LIMITS



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CO & PROBATE CLERK
BENTON COUNTY, AR



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BENTON COUNTY, AR

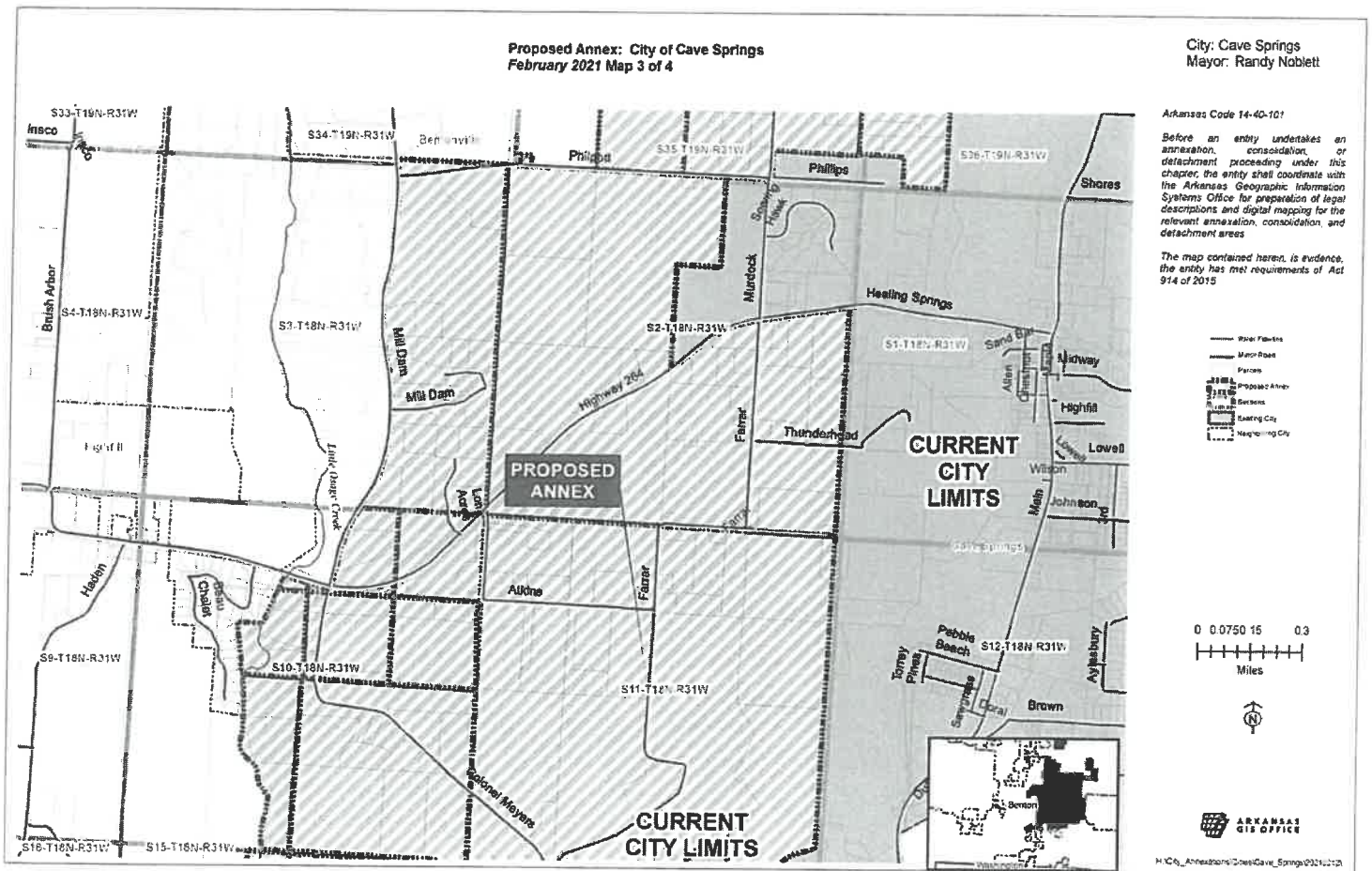
Proposed Annex: City of Cave Springs
February 2021 Map 3 of 4

City: Cave Springs
Mayor: Randy Noblett

Arkansas Code 14-40-101

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015.

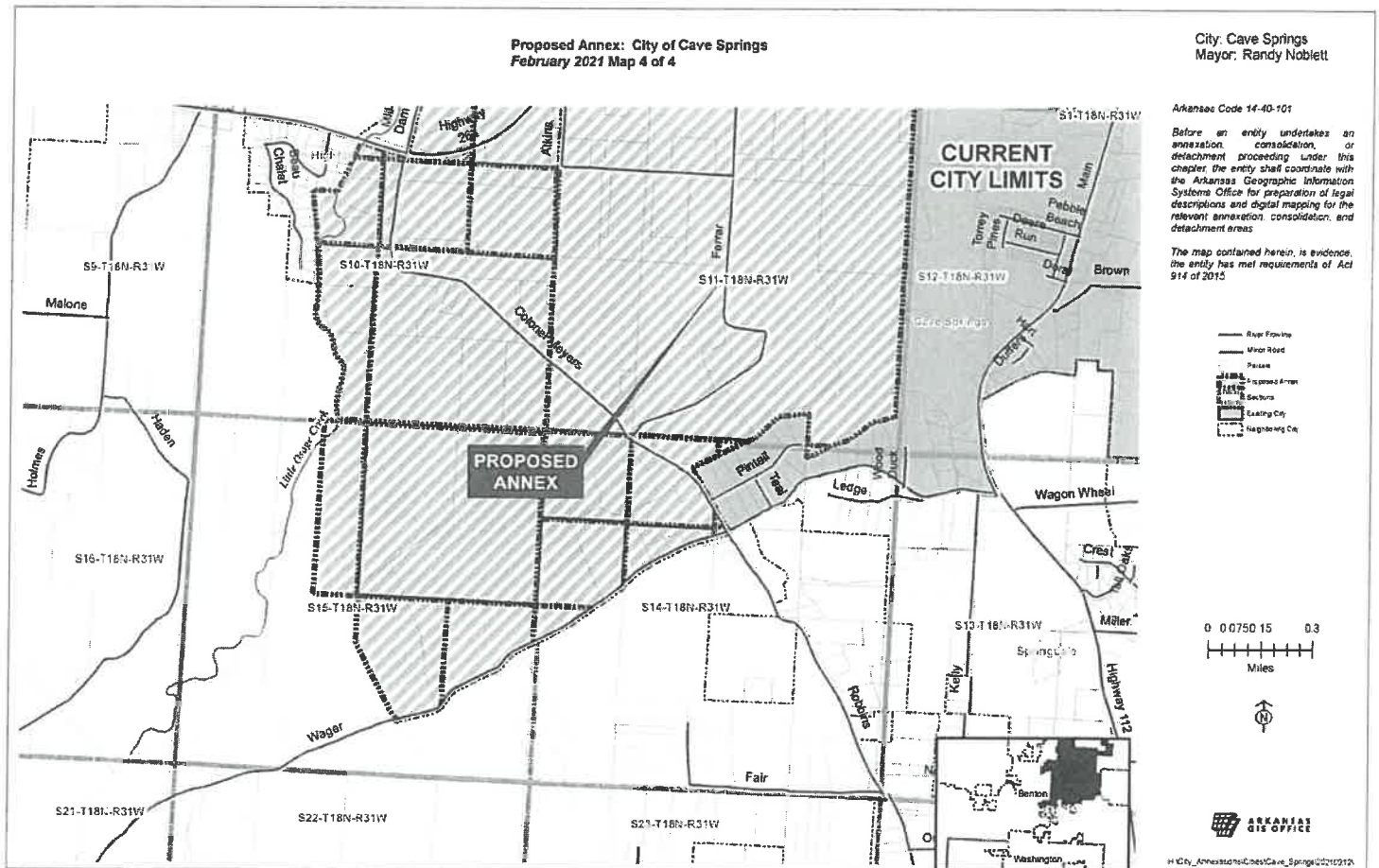


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BENTON COUNTY, AR

Section 25, Township 19 North, Range 31 West

West Half of the Southwest Quarter (W1/2, SW1/4)

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Section 3, Township 18 North, Range 31 West

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Section 11, Township 18 North, Range 31 West

All of section less all that part already included in the corporate limits of the City of Cave Springs.

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Section 10, Township 18 North, Range 31 West

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Section 15, Township 18 North, Range 31 West

The Northeast Quarter (NE1/4)

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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The East Half of the East Half of the Northwest Quarter (E1/2, E1/2, NW1/4)

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2021 2724



Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: _____ City/Town: _____

City Ordinance/Resolution No: _____ Date approved: _____

County Court Case No: _____ Date Order Filed: _____

Type: _____

(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: _____ Set by: ☐ Municipal Ordinance ☐ Emergency Clause ☐ Court ☐ Default
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ ☐ Upheld ☐ Overturned ☐ Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: _____

(See A.C.A. § 14-40-203)

Initiating party:

☐ All Landowners ☐ Majority Landowners ☐ Municipal Governing Body ☐ State ☐ Other _____

Supporting Documentation attached (check all that apply):

- ☐ File marked copy of City Ordinance/Resolution (required)
- ☐ File marked copy of County Court Order or certified annexation election results (required except for A.C.A. §14-40-501)
- ☐ Copy of Arkansas GIS approved printed map and certification letter (required)
- ☐ Proof of Publication for all Legal Notices (include Hearing, Election, and City Ordinance/Resolution notices)
- ☐ File marked copy of Petition Part (if applicable)
- ☐ File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: _____ Title: _____

Street Address: _____

City: _____ St: _____ Zip code: _____

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature: _____ Title: _____

Date: _____

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: _____

Rev. 2/2019

2021 2725

Municipal Annexation, Detachment, and Incorporation Reference

- Annexation of Territories Contiguous to County Seat A.C.A. §14-40-201
- Annexation of Territories in another Judicial District (multiple county seats) A.C.A. §14-40-202
- Annexation of City Park or Airport (automatic) A.C.A. §14-40-204
- Annexation of building on boundary of two municipalities (written notice) A.C.A. §14-40-207
- Annexation by Election (contiguous land) A.C.A. §14-40-302
- Annexation of land in adjoining County A.C.A. §14-40-401
- Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501
- Annexation by Petition of majority of Landowners A.C.A. §14-40-602
- Annexation by Petition of all Landowners A.C.A. §14-40-609
- Consolidation of two municipalities by Election A.C.A. §14-40-1201
- Annexation with Detachment from another municipality at landowner request A.C.A. §14-40-2001
- Annexation with Detachment from adjoining city at city request A.C.A. §14-40-2101
- Detachment of Land annexed by petition under §14-40-601 A.C.A. §14-40-608
- Detachment of municipal lands back to County by election A.C.A. §14-40-1801
- Detachment of unsuitable land by municipal resolution A.C.A. §14-40-1901
- Incorporation by direct petition of landowners A.C.A. §14-38-101
- Incorporation by petition for special election A.C.A. §14-38-115
- Surrender of Charter (Disincorporation) by second class city A.C.A. §14-39-101